

SWORN AFFIDAVIT STATEMENT

On 8/10/2024 OFFICER JOHN WALKER SLAMMED ME in THE A-POD SALTPORT WHILE I WAS ON MY KNEES FACING THE WALL WITH MY HANDS in THE AIR. HIS FORCE WAS EXCESSIVE and COMPLETELY UNNECESSARY. THIS WAS ALSO WITNESSED by SEVERAL INMATES including Patrick Ryan Smith in whom I know him and I intelligently REQUESTED to PREPARE THIS AFFIDAVIT FOR ME. THIS IS A TRUE and CORRECT STATEMENT MADE in GOOD FAITH.

Respectfully
Witness Patrick Ryan Smith

PATRICK RYAN SMITH
181239C 11-29-1984

Affiant Joshua D Gawn
JOSHUA D GAWN

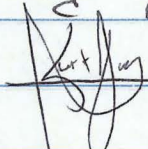
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SWORN AFFIDAVIT STATEMENT

9/7/2024

On or Around 9-3-2024 OFFICER JOHN WALKER SLAMMED ME AFTER AN ALTERCATION in ~~E~~^E-pod AT THE SEVIER CO. ANNEX. THE ALTERCATION WAS ALREADY OVER AND HE SLAMMED ME WITH EXCESSIVE FORCE "AFTER THE FACT". HIS ACTIONS WERE UNNECESSARY.

I PERSONALLY REQUESTED P. RUAL SMITH (M.S.) TO PREPARE THIS AFFIDAVIT FOR ME KNOWINGLY AND INTELLIGENTLY AFTER LEARNING HE, HIMSELF WAS ALSO A VICTIM OF OFFICER JOHN WALKER. I WAS ALSO in E-pod WHEN WALKER STARTED THE RUMOR ABOUT M.R. SMITH. THIS AFFIDAVIT IS A TRUE AND CORRECT STATEMENT MADE BY ME  in Good Faith.

Respectfully,

Witness: P. Rual Smith Affiant
(M.S.)
9/7/2024
#181239

Kurt Jagers #160380
P.O. Box 791
Pigeon Forge 37862 TN

GIVEN TO LT TALKWATER ON 8-9-2024
I WAS ADVISED BY MY ATTORNEY AND THE A.C.L.U.
OF TN. TO WRITE THIS GRIEVANCE.

THERE HAVE NOW BEEN (3) OCCASSIONS THAT I
HAVE FILED LEGITIMATE GRIEVANCES AND RECEIVED
VINDICTIVE AND SPITEFUL REPRICUTIONS THAT
ALL LEAD TO DELIBERATE INDIFFERENCES. I HAVE
HAD NO CHOICE BUT TO HAVE TO ENDURE THE FOLLOWING:

1. 6-7-2024 - I FILED AND REQUESTED TO SPLIT MY
MEDICATION UP INTO (2) DOSES. 1, 8MG DOSE AT
6 A.M. & 1, 8MG. AT 6 P.M. (WHICH ALSO IS THE
NORMAL TIMES IF NOT INCARCERATED.) I CURRENTLY
HAVE NO CHOICE BUT TO TAKE 2, 8MG. TABLET'S
"ONE-TIME" A DAY AT 6 P.M.

6-8-2024 - I WAS WAKE UP OUT OF MY SLEEP
AT 6 A.M. BY OFFICER BO & H.S.A. NURSE "LANN".
H.S.A. LANN STATED; "PATRICK, IN SO SICK AND
FUCKING TIRED OF YOU FILING THESE GODDAMN
GRIEVANCES." ; "YOU HAVE GOT TO FUCKING STOP."
"YOU KEEP CITING THIS FAKE LAW." ; "DID YOU KNOW
THERE'S A LAW THAT SAYS WE DON'T HAVE TO
TREAT YOU AT ALL, IT'S CALLED "OUR LAW".

; "I'VE ALREADY SPOKE TO OUR ATTORNEY AND
THE DOCTOR BOTH." ; "THEY HAVE AGREED TO TAKE YOU
OFF YOUR SUBOXONE."

ALL OF THIS WAS SAID TO ME BY THE

H.S.A. Nurse Lynch around 6 A.M. on a Saturday Morning, in front of Officer Bo, after having him come wake me up and confront me. She provoked me, disrespected me, threatened to take my medication and was "Deliberately Indifferent" towards me, all because I filed a grievance.

The reason I filed the grievance to begin with is because there were some days I wouldn't get my meds until 11 P.M. at night which is unreasonable.

2.6-28-2024 - I wrote a grievance because I've now gone (4) months without any mental health treatment. And for whatever reason, on 6-26-2024, the Nurse Practitioner, (NP) Patrick McCormick, decided to have Nurse Gail Williams give me a medication called "Celexa". No one informed me that it would make me sick and that it had a high number of side effects. If they would have, I never would have taken the medication period.

After about (2) hours after ingesting the "Celexa", I couldn't even get out of the bed. It made me very sick. I became very nauseated, it gave me

a GRIEVANCE. SHE TOLD SGT. VICTORIA THAT I WAS "PSYCHOTIC" AND THAT I NEEDED TO BE MOVED TO MEDICAL FOR "OBSERVATION". SHE SAID THAT THE ORDER CAME FROM DOCTOR BATES. IT WAS NURSE LUND THAT PUSHED THE ISSUE TO MAKE ME MOVE. SHE DELIBERATELY HAD ME MOVED BECAUSE I FILED THE GRIEVANCE. IF H.S.A. LUND HAD ANY CONCERN FOR MY HEALTH AT ALL, SHE WOULD HAVE HAD ME MOVED TO "OBSERVATION" THE DAY NURSE WILLIAMS MADE A REPORT ABOUT MY REACTION AND DISCONTINUED THE CELEXA. WHEN LUND HAD ME MOVED LIKE THAT, SHE WAS DELIBERATELY INDIFFERENT TOWARDS ME.

3. ON 7-10-2024 - AFTER RECEIVING MY MEDICATION 5-6 HRS. LATER THAN USUAL ON 5-29-2024, AT 10 P.M., 6-7-2024, AT 10 P.M., 7-1-2024, AT 10:30 P.M., 7-5-2024, AT 10:30 P.M., 7-10-2024, AT 11 P.M., 7-11-2024, AT 11 P.M. ALL OF THESE OCCURRENCES FALL ON OFFICER PIERCE AND NURSE ANGIE'S SHIFT.

I FILED A GRIEVANCE ON OFFICER PIERCE AND NURSE ANGIE AFTER 7-10-2024 LATE MEDS. IRONICALLY, ON 7-11-2024, WHICH WAS ALSO A 11 P.M. MED CALL, UNBEKNOWNST TO ME, I WAS ALLEGEDLY "FLAGGED" BY NURSE ANGIE FOR

Supposedly "Hoarding" my meds. THEN, Ironically ONE WEEK later, again, I was allegedly Flagged by nurse "Angie" for supposedly "Hoarding" my meds. 7-11-2024 & 7-19-2024 WERE THE DATES "ANGIE" FLAGGED ME. NURSE WILLIAMS CALLED ME TO MEDICAL ON 7-20-2024 AT 9:41 A.M. TO TELL ME THIS. IT WAS THE FIRST I HEARD anything about it.

NURSE WILLIAMS TOLD ME THAT IT HAD BEEN RECORDED FOR THE 2ND TIME THAT I HAD ALLEGEDLY "hoarded" my Suboxone & THAT I WAS BEING TAKEN OFF. THIS IS ANOTHER DELIBERATE INDIFFERENCE. AT THIS POINT I BELIEVE IN BEING TARGETED BECAUSE OF A PENDING LAWSUIT IVE FILED ON THE SHERIFF AND Q.C.H.C.

TO MAKE MATTER'S EVEN MORE CONFUSING I WAS CLEARED BY MEDICAL AFTER BEING CHECKED THOROUGHLY WITH A FLASHLIGHT AND PULLING OUT MY TIPS AND LIFTING MY TONGUE AND SWISHING WATER. THERE HAS NEVER BEEN A TIME I HAVN'T BEEN CLEARED TO GO BACK.

REQUESTED RESOLUTION: INVESTIGATE THIS AND DOCUMENT IT. "FLAG" NURSE ANGIE & PIERCE, "PER STATE STANDARDS".

Claim Land Blix

P#1

1ST AMM. PROTECTED CONDUCT
INCLUDES A PRISONER'S UNDISPUTED
FIRST AMMENDMENT RIGHT TO FILE
GRIEVANCES AGAINST PRISON OFF-
ICIALS ON HIS OWN BEHALF." Hill,
630 F.3d at 472 (Quoting HEBBON
V. HARRISON, 203 F.3d 410, 415 (6TH
Cir. 2000). THIS RIGHT IS PROTECTED,
HOWEVER, ONLY IF THE GRIEVANCES ARE
NOT FRIVOLOUS." HEBBON, 203 F.3d at
415.

Retaliation Claim H.S.A
Land Blix in HER Official Capacity

Retaliation based upon a PRISONER'S
EXERCISE OF HIS/HER CONSTITUTIONAL
RIGHTS VIOLATES THE CONSTITUTION.
SEE THADDEUS-X V. BLATTER, 175 F.3d
378, 394 (6TH Cir. 1999)

Plaintiff's Usual Medication Time
is 6 P.M. ON THE DATES below ARE
A SLEW OF LATE MEDICATIONS TIMES:

1. 5-29	10 P.M.	5. 7-10	11 P.M.
2. 6-7	10 P.M.	6. 7-11	11 P.M.
3. 7-1	8 P.M.		
4. 7-5	10:30 P.M.		

TO MAKE THE COURT AWARE,
I ALSO CURRENTLY HAVE AN
INADEQUATE MEDICAL CARE CLAIM PEN-
DING IN THIS SAME COURT. HOWEVER,
THE CLAIMS IN THIS INSTANT ACTION

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Pertain to "Retaliation" Claims
Under the 1st AMM. I believe that
because in a "PRE-TRIAL-DETAINEE"
this instant action is brought
pursuant to the DUE PROCESS
clause of the 14th AMM. and
the "CONDITIONS OF CONFINEMENT"
come under the 8th AMM. of the
U.S. CONSTITUTION.

For purposes of time and
judicial efficiency, the plain-
tiff would like to rely on his → (5 p.g.)
handwritten grievance to Lt.

"TARWATER" for H.S.A. Lynn
Blix retaliation claim. At this time,
I would like request the court to
subpoena officer "Bo's" bodycam and
or video footage of H.S.A. Lynn
"grilling" me in the E-port Sally-
port in front of officer Bo. I also
would like to request the court
to subpoena my grievances
from the Sevier Co. Sheriff Dept.

They refuse to give me copies.
Also, another form of retaliation from
H.S.A. Lynn was on 5-13-2024
after sending Plaintiff multiple
disrespectful and unprofessional
responses to his medical inquiries
she deliberately and intentionally
"hiked" his medical balance up \$30

Retaliation claim continued - H.S.A. Lynn Blix P#3
No 1:20-cv-235-TRM-CHS (E.D. TENN. Aug 27 2020)

"CLASS OF ONE THEORY" P. 4-5 discrimination/equal prot.

• THE EQUAL PROTECTION ~~claim~~ CLAUSE COMMANDS THAT
NO STATE SHALL "deny to any PERSON WITHIN ITS
JURISDICTION THE EQUAL PROTECTION OF THE LAWS."
U.S. CONST. AMM. XIV § 1

Individuals who do not belong to a SUSPECT
CLASS OR ALLEGE INTERFERENCE WITH A FUNDAMENTAL
RIGHT CAN ASSERT AN EQUAL PROTECTION CLAIM BY
ALLEGING THAT A GOVERNMENT PRACTICE THAT HAS
NO RATIONAL BASIS DISCRIMINATES AGAINST THEM
UNDER A "CLASS OF ONE" THEORY, A RIGHT TO BE
TREATED EQUALLY. UNLIKE THE TREATMENT THE
PLAINTIFF HAS DEMONSTRATED MULTIPLE TIMES IN
HIS COMPLAINT. THE BEHAVIOR AND ACTIONS OF
THE DEFENDANTS IN THIS INSTANT ACTION,
DO NOT FALL ANYWHERE WITHIN THE CONSTITUTIONAL
STANDARDS OF THE UNITED STATES.

EXTREME DEPRIVATIONS - Hudson v McMillian,
503 U.S. 1, 8-9 (1992) (PROVIDING THAT ONLY "EXTREME
DEPRIVATIONS" THAT DENY A PRISONER "THE MINIMAL
CIVILIZED MEASURE OF LIFE'S NECESSITIES" WILL
ESTABLISH THAT A PRISONER'S CONDITIONS OF CONFINEMENT
VIOLATE THE 8TH AMM.

PLAINTIFF'S COMPLAINT CLEARLY ALLEGES THAT, ON
SEVERAL OCCASIONS, HE WAS PUNISHED FOR FILING
GRIEVANCES AND THAT THE 1ST AMM DOES NOT PERMIT

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Retaliation claim continued - Lendl Blix
EVEN MINOR PUNISHMENT TO BE METED OUT IN
RESPONSE TO AN INMATES EXERCISE OF 1ST AMM.
RIGHTS. PLAINTIFF WAS "RE-HOUSED" FOR FILING A LEGITIMATE
GRIEVANCE ABOUT HIS MEDICATION IN RETALIATION FROM
H.S.A. Lendl. THE CONDUCT THE PLAINTIFF ENGAGED IN
WHICH LED TO THIS PUNISHMENT WAS NOT DISRESPECTFUL
OR THREATENING AND IS PROTECTED BY THE 1ST AMM.

ARE THESE THREATS, VERBAL REPRIMANDS, HUMORS,
DELAYED MED. TIMES, FIRE ALARMS, SIRENS, FLASHING LIGHTS,
NO MENTAL HEALTH CARE, BEING RE-HOUSED, MAIL ISSUES,
AND EVERYTHING ELSE COMBINED LEGAL OR CONSTITUTIONAL? 17

Collectively, THERE IS NO WAY. COMBINED, THIS IS
A MODERN DAY 8TH AMM CHUET AND UNUSUAL
PUNISHMENT VIOLATION. THADDEUS-X, 175 F.3d at 394. -
COMPLAINT STATES, A VALID RETALIATION CLAIM UNDER
THADDEUS-X V. BLATTER.

IN GENERAL GOVERNMENT OFFICIALS MAY NOT
RETALIATE AGAINST PERSONS WHO HAVE PARTICIPATED IN
CONSTITUTIONALLY PROTECTED CONDUCT. Mt. Healthy
CITY SCH. DIST. Bd of EDUC. V DOWE, 429 U.S. 274,
286-87 (1977). ALL OF THE DEFENDANTS IN THIS
INSTANT ACTION ACTED IN A WAY THAT AMMOUNTED
TO AN "EGREGIOUS ABUSE OF GOVERNMENTAL
POWER."

Officer Walker Failure to Protect Claim P#1

A Failure to Protect Claim for a Pre-Trial Detainee arises under the Due Process Clause of the 14th AMM. Westmoreland v. Butler County 29 F.4th 721, 727, (6th Cir. 2022)

On 8-5-2024, Plaintiff was taken to Court with several inmates from E-pod. "Officer Walker's" "Arrest" privilege pod. you have to be "White" and you have to be a "local" to go to E-pod.

Some exceptions are made if one is Affiliated.

In light of these facts:

1. Plaintiff is not allowed to go back to E-pod because of Officer Walker starting a rumor that he was a "Snitch".
2. According to CPL Mason, a Shift Supervisor and Gang Coordinator, the Plaintiff and Officer Walker are not allowed around each other because of the "rumor". - PER CPL. Mason.

In light of these facts, zero measures to guarantee the safety of the inmate/Plaintiff were taken. Farmer v. Brennan 511 U.S. 825, 832, (1994)
Quoting Hudson v. Palmer 468 U.S. 517, 526-27 (1984)

Walker was the E-pod officer on the 5th. He personally brought inmates from E-pod and escorted them into the courtroom.

Also, on 8-28-2024, Officer Walker strip searched Plaintiff after allegedly being told he was not

Officer Walker Failure to Protect Claim P#2

allowed to be around the Plaintiff, because of the rumor he started. Officer Walker's actions fall way outside of the current "Social-Norm's" of Correctional Officers. Luckily, for the Plaintiff, he was not attacked in the Court room by E-pod inmates when he was confronted and told that "IT wouldn't be good if he came back." On this day in question, 8-5-2024, the day of Court, there were (0) "ZERO" measures taken to protect the Plaintiff from E-pod inmates of Officer Walker period. Because of Officer Walker's Sadistic and Malicious actions, Careless and Reckless disregard, the Plaintiff now has to walk, suffer mental & emotional anguish and constantly look over his shoulder in fear of being attacked and becoming a victim of some form of Sadistic and Malicious Retaliation.

Being labeled a Snitch in the Prison Environment can indeed pose a threat to an inmates Health and Safety in violation of the 8th AMM. See United States v. Henderson, 565 F.2d 900, 905, (5th Cir. 1978) (the life of a "Snitch" in a penitentiary is not very healthy). See also Constock v. McCraken, 273 F.3d 693, 699 n.2 (6th Cir. 2001). Noting that prisoner labeled a Snitch could become a target for other prisoners attacks. Abolition v. Martin 102 F.3d 1564, 1567-68 (10th Cir. 1998).

Officer John Walker in his official capacity P# 14th AMM.

- Equal Protection Claim -

The heart of an Equal Protection claim is that similarly situated inmates were treated differently and that this difference in treatment bore no rational relationship to any legitimate penal interest. Weiler v. Petkett, 137 F.3d 1047, 1051 (8th Cir. 1998)

1. No other inmates' lives, safety or health was deliberately put in danger by the rumor spread by Walker.
2. No other inmates had a rumor spread about them.
3. No other inmates were told they had to stay away from Walker.
4. No other inmate was forced to stay in A-pod, a Medical Pod b/c of a rumor spread/started about them by a corrections officer.
5. No other inmates' future life were put in jeopardy and remain in jeopardy because of a rumor that was started about them by a corrections officer.

A plaintiff can rely on circumstantial evidence to prove "subjective knowledge". See Hope v. Pelzer, 536 U.S. 730 (2002). (One may infer the existence of this subjective state of mind from the fact that the risk of harm is obvious.); Farmer 511 U.S. at 842.

Walker's intentions were in bad faith and to encourage the result of violence, maliciously and sadistically to cause harm to the plaintiff. The malicious

Walker Equal Protection Claim Continued
 and Sadistic Requirement applies regardless of whether the corrections officer are quelling a disturbance or merely trying to maintain order. Moreover, the standard applies regardless of whether an 'unnecessarily and wanton infliction of pain' has occurred. *Id.* at 112 S.Ct. at 998, 999 (Quoting *Whitley v. Albers*, 475 U.S. at 319, 106 S.Ct. at 1084)

Plaintiff does not believe it is right & fair to have to wait until he is actually a victim of "physical violence" before the courts intervene. After previously being fired for his misconduct, then being re-hired by the Sheriff's office, it seems as if Officer Walker took his second opportunity as an express invitation to come back and continue where he left off, committing more crimes and civil rights violations. The courts are no doubt aware of the continuous civil rights violations by jails across the nation and turn a blind eye.

Officer Walker's actions have no rational basis and such disparate treatment burdened the Plaintiff's 8th & 14th Amm. Right to be free from cruel & unusual punishment.

JOHN WALKER in his official
capacity, "Retaliation"

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On or around 7-27-2024 Plaintiff was moved from E-pod to A-pod at the Sevier Co. Annex. During P.M. Med call CPL Mason advised Plaintiff that he was being "re-housed" along with 2 other inmates.

On or around 8-1-2024, CPL. Mason informed Plaintiff that Officer John Walker started a rumor in E-pod that Plaintiff was a switch.

On or around July 31st and August 1st Plaintiff spoke with CPL. Mason during P.M. Med call for 20 mins and again briefly on Mason's midnite walkthrough in A-pod.

During the Med call conversation, Mason informed the Plaintiff of John Walker's prior history of misconduct and that Officer Walker had in fact been fired and re-hired by the Sheriff's Dept.

T.C.A. 41-1-116 states;
Qualifications of Corrections Officers. 41-1-116 (b) specifically states Corrections Officers should have good moral character as determined by investigation. This seems to have

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BEEN VIOLATED UPON THE "REHIRE" OF OFFICER WALKER AFTER THE FACT OF HIS PRIOR MISCONDUCT AND DISCIPLINE.

NO LEGITIMATE PENOLOGICAL PURPOSE COULD HAVE BEEN SERVED BY DEFENDANT WALKER'S CONDUCT AND HIS ACTIONS TOWARDS THE PLAINTIFF DEMONSTRATED A STATE OF MIND THAT WAS NOT MERELY DELIBERATELY INDIFFERENT BUT, ALSO SADISTIC AND MALICIOUS. NORTHINGTON V. MARTIN 102 F.3d 1564, 1567-68, 10th Cir. Deputy acted with "obdurate and wanton" disregard for Plaintiff safety by spreading a rumor in the jail that the inmate was a snitch. "obduracy or wantonness" NOT "INADVERTENCE" OR GOOD FAITH ERROR; CHARACTERIZES DELIB. INDIFF. GIBSON V. FOLTZ, 963 F.2d 851, 853 (6th Cir. 1992).

THE 8TH AMM., WHICH APPLIES TO THE STATES THROUGH THE DUE PROCESS CLAUSE OF THE 14TH AMM., PROHIBITS THE INFLICTION OF "CRUEL AND UNUSUAL PUNISHMENTS." IN ESTELLE V. GAMBLE, 429 U.S. 97, 97 S.Ct. 285, 50 L.Ed. 2d 251 (1976) THE SUPREME COURT ACKNOWLEDGED THAT THE 8TH AMM. COULD BE APPLIED TO CONDITIONS OF CONFINEMENT.

IN LIGHT OF DEFENDANT WALKER'S TRAINING AND EXPERIENCE AS A CORR. OFF. AT THE TIME HE DECIDED TO START THE RUMOR, HE WITHOUT A DOUBT, WAS COMPLETELY AWARE OF

THE EXCESSIVE RISK TO THE PLAINTIFF HEALTH, SAFETY AND WELL-BEING. HE ACTED DELIBERATELY AND RECKLESSLY DISREGARDED PLAINTIFFS CONSTITUTIONAL RIGHTS AS AN INMATE. ALSO, CONSIDERING DEFENDANT WALKER'S REPUTATION AND HISTORY OF PRIOR MISCONDUCT, AS STATED BY CPL MASON, IT SEEMS AS IF THE DEFENDANT THINKS HE IS ABOVE THE LAW.

ON 4-20-2024, DEFENDANT WALKER ALONG WITH OFFICER GREEN, CPL. MONTAG, SGT. VICTORIA "SHOOK DOWN" EPOD. AFTER THE SHAKEDOWN WAS OVER AND ALL OF THE OFFICERS HAD EXITED THE DORM, THE DOOR WAS SHUT AND LOCKED. FOR WHATEVER REASON, INMATE H.F. OR "HARLEN FLOYD" THREW AN EMPTY CUP AT THE DOOR.

IMMEDIATELY, DEFENDANT WALKER OPENED UP THE DOOR AND OPENED FIRE ON THE ENTIRE INMATE POPULATION HITTING MR. FLOYD 12-15 TIMES WITH A HIGH-POWERED A-R STATE PEPPER / GAS BALL RIFLE. MULTIPLE INMATES WERE HIT, TOXIC GAS WAS RELEASED INTO THE AIR EFFECTING THE ENTIRE INMATE POPULATION CAUSING US ALL TO COUGH AND CHOKER ON THE GAS. DEFENDANT WALKER'S ACTIONS WERE EXCESSIVE AND AFFECTED THE ENTIRE INMATE POPULATION. PLAINTIFF WAS RUSHED OUT BY OFFICERS PER SGT.

because of his Asthma. He was given a breathing treatment and taken back to E-Pod.

Plaintiff assisted Harlem Floyd in Preparing a 1983 Claim for excessive force against defendant Walker. Since the shooting incident, Walker found out that Plaintiff assisted Mr. Floyd with his complaint against him and has since developed a vendetta against ~~the~~ the Plaintiff. Walker has made slick comments to the Plaintiff calling him a "paper pusher", which is a slick term for Slick. He's walked by Plaintiff's bunk and made comments about how much paperwork Plaintiff has accumulated from his filings and multiple cases. These comments should not be taken lightly by the court. They are all attempts by Walker to paint a bigger picture in the minds of lesser educated inmates in hopes to manipulate them and turn them against the Plaintiff and make them "Suspicious" of him. It's a Sadistic form of manipulation.

The Plaintiff believes that after he was moved, Walker seen a perfect opportunity to start ~~another~~ another story about him, to keep him from coming back to E-Pod. Plaintiff believes that Walker seen him as a "threat" that could potentially expose his misconduct.

According to CPL. Mason, Walker has a lengthy history of prior misconduct. Mason alleged that Walker had "done this a time or two" and that he never

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SEEMS TO HAVE HIS BODY CAMERA ON. MASON ALSO SAID THAT WALKER KNOWS "HOW AND WHEN" TO TURN HIS CAMERA OFF TO "AVOID BEING CAUGHT," TAMPERING WITH THE EVIDENCE IN THE PROCESS. 39-16-503(b) T.C.A. -

A VIOLATION OF THIS SECTION IS A CLASS C FELONY.

IT'S REASONABLE TO SAY THAT IF WALKER WAS RE-HIRED AFTER PRIOR MISCONDUCT, OBVIOUSLY HE WAS AWARE THAT HE WAS BEING CLOSELY WATCHED THROUGH HIS BODY CAM, FOR ANY FUTURE MISCONDUCT. IF THIS IS TRUE, WALKER NOT HAVING HIS BODY CAMERA ON WHEN HE STARTED THE RUMOR, WAS A "DELIBERATE - IMPAIRMENT" TO "ALTER" WHAT WOULD HAVE BEEN ADMISSIBLE EVIDENCE, WHICH SEEMS TO VIOLATE 39-16-503(a)(1)(2)

ALSO, T.C.A. 41-4-140(a)(5) STATES OFFICERS HAVE A DUTY TO ENSURE THE WELFARE OF ALL PERSONS COMMITTED TO THE INSTITUTIONS. DELIBERATELY STARTING A RUMOR THAT AN INMATE IS A SLITCH SEEMS TO CONTRADICT THIS.

41-4-118 Employment of Guard - DUTY OF THE SHERIFF TO EMPLOY A SUFFICIENT GUARD TO PROTECT THE DEFENDANT FROM VIOLENCE. NOT TO INFLECT HARM OR CREATE A DANGEROUS ENVIRONMENT.

IN LIGHT OF WALKER BEING FIRED PREVIOUSLY FOR MISCONDUCT, THEN BEING RE-HIRED AGAIN TO COMMIT MORE INCIDENTS OF MISCONDUCT, IS QUESTIONABLE. AND SHOULD BE INVESTIGATED BY THE COURT.

THERE IS NO DOUBT THAT OFFICER WALKER WAS

completely aware of what he was doing at the time he took it upon himself to start the rumor, consciously and recklessly disregarding Plaintiff's constitutional rights, which is the equivalent of criminal recklessness, cheating imminent fear in the Plaintiff, unnecessarily and wantonly inflicting mental and emotional pain and suffering. A mental health patient who has gone untreated since his incarceration and also been forced to endure many other constitutional violations as well. For example; 1. Onerous fire alarms, lights strobbing and sirens blaring in the early A.M. hours:

1. 6-16-2024	12:00 A.M.	E-pod
2. 6-17-2024	4:15 A.M. ^{P.M.}	
3. 7-5-2024	12:31 A.M.	
4. 7-18-2024	2:15 A.M.	
5. 7-20-2024	3:48 A.M.	
6. 7-22-2024	4:07 A.M.	A-pod
7. 7-24-2024	6:42 A.M.	
8. 7-27-2024	1:38 A.M.	
9. 8-2-2024	4:41 A.M.	
10. 8-9-2024	3:41 P.M.	

Also, late medication time's close to midnite, instead of the regular 6 P.M. time. For example late times:

1. 5-29-2024	10:00 P.M.	4. 7-5-2024	10:30 P.M.
2. 6-7-2024	10:00 P.M.	5. 7-10-2024	11 P.M.
3. 7-1-2024	8 P.M.	6. 7-11-2024	11 P.M.

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MED TIMES GOT LATER AND LATER THEN, WHEN I DECIDED TO FILE A LEGITIMATE GRIEVANCE I REAPED MORE VINDICTIVE REPERCUSSIONS AND WAS LIED ON AND "FLAGGED" BY Q.C.H.C. NURSE ANGIE. (SEE COPY OF GRIEVANCE TO LT. TAKWATER.)

OTHER CIVIL RIGHTS VIOLATIONS PLAINTIFF HAS ENDURED include:

- 1.(2) CAMERAS IN THE BATHROOM ABOVE THE SHOWER, TOILETS AND URINALS THAT CAN WATCH INMATES TAKE SHOWERS AND USE THE BATHROOM. A-POD
2. A SPEAKER IN THE ATTORNEY BOOTH THAT CAN LISTEN TO PRIVATE ATTORNEY CONVERSATIONS. SEEMING TO VIOLATE THE ATTORNEY/CLIENT PRIVILEGE AND THE RIGHT TO PRIVATE CONVERSATION.
3. BEING DENIED THE OPPORTUNITY TO FILE A POLICE REPORT WHEN MY HOME WAS BURGLARIZED. PLAINTIFF MADE MULTIPLE REQUESTS TO MAKE A POLICE REPORT TO CPL MADDY, SGT. JOSE AND VICTORIA ^{SGT}
4. NOT BEING ALLOWED TO PARTICIPATE IN ANY TYPE OF RELIGIOUS SERVICES FOR MONTHS, NOT EVEN ON EASTER.
5. BEING CHARGED \$2.00 FOR A ROLL OF TISSUE.
6. NO MENTAL HEALTH CARE (PENDING SCREENING)
7. NO ACCESS TO CERTIFIED MAIL SLIPS OR ANY TYPE OF INDIGENT ASSISTANCE FOR POSTAGE FOR LEGAL MAIL. THE JAIL WILL ONLY GIVE YOU "STAMPED - ENVELOPES". NO WAY TO DOUBLE UP OR ADD POSTAGE FOR LEGAL FILING'S THAT REQUIRE A "MANILLA" ENVELOPE.
8. POISONOUS "HAMMER-HEAD" WORM INFESTATION IN THE



- shower in A-pod.
9. Had a worm in my Food on 8-29-2024 in my GREEN BEANS. WITNESSED by pod officer.
 10. Endured MULTIPLE THREATS by H.S.A. COUNCIL TO "TAKE ME OFF MY MEDS" FOR FILING GRIEVANCES.
 11. BEEN CHARGED FOR USING MY ASTHMA INHALER "OUTSIDE OF MED CALL" MULTIPLE TIMES.
 12. FORCED TO USE "COMMUNITY" nail clippers in a medical room WITH inmates THAT HAVE H.I.V. and HEPATITIS C WITHOUT BEING GIVEN ANY KIND OF CLEANER
 13. FORCED TO USE "COMMUNITY" hair clippers, SAME CLIPPERS FOR THE ENTIRE JAIL WITHOUT CLEANER.
 14. RECEIVED legal mail THAT WAS MONTHS LATE, SOME OF THE PIECES WERE "HAND DELIVERED".
 15. HELD in an institution WHERE THE ADMINISTRATIVE REMEDY SYSTEM IS FREQUENTLY UNAVAILABLE.
 16. OFFICIALS at the SEVIER CO. SHERIFF DEPT. / Jail "DO-NOT" WEAR NAME TAGS and will NOT EVER TELL you THEIR NAME if you ASK RESPECTFULLY.

FACTS SHEET :

P.#1

- OFFICER WALKER HAS PREVIOUSLY MADE COMMENTS TO INMATES THAT PLAINTIFF'S LAWSUITS AND GRIEVANCES WERE CAUSING "SHUTDOWNS" AND KEEPING INMATES FROM GETTING "OUTSIDE REC TIME".
- PLAINTIFF ASSISTED HARLEY FLOOD IN PREPARING A 1983 ACTION AGAINST JOHN WALKER FOR EXCESSIVE FORCE WHICH WAS MADE KNOWN TO WALKER BY HARLEY FLOOD.
- JOHN WALKER'S RUMOR HAS CAUSED PLAINTIFF TO LIVE IN CONSTANT FEAR OF BEING INJURED OR POSSIBLY EVEN LOSING HIS LIFE OR A FAMILY MEMBER. CAUSING HIM TO SUFFER GREAT MENTAL ANGUISH AND EMOTIONAL STRESS.
- WALKER'S RUMOR HAS MADE PLAINTIFF'S CONSTITUTIONAL ISSUES MORE COMPLEX - FURTHER EXACERBATING HIS CURRENT UNTREATED MENTAL HEALTH DIAGNOSIS SUCH AS A.D.H.D., BI-POLAR, P.T.S.D., LOW-T, O.C.D.
- PRISON OFFICIALS HAVE LABELED PLAINTIFF A SNITCH AND ARE DELIBERATELY & INTENTIONALLY EXPOSING HIM TO INMATE RETALIATION. PERHAPS BECAUSE OF HIS CONDUCT IN BRINGING PRIOR LAWSUITS AND FILING MULTIPLE GRIEVANCES AGAINST THE JAIL AND ITS OFFICIALS.
- RUMOR FURTHER ENDANGERED PLAINTIFF'S LIFE BY ENGENDERING MORE HOSTILITY TO HIM AMONG INMATES.
- ACTIONS DONE IN RETALIATION FOR THE EXERCISE OF A CONSTITUTIONALLY PROTECTED RIGHT IS ACTIONABLE, EVEN IF THE ACT, WHEN TAKEN FOR A DIFFERENT REASON, MIGHT HAVE BEEN LEGITIMATE - FOLLOWED BY A CHRONOLOGY OF EVENTS OR MULTIPLE VIOLATIONS.

Facts sheet continued: P#2

P#2

- According to CPL. Mason, due to officer Walker and his actions starting the rumor, Walker can no longer work A-Pod or "be around" Plaintiff.
- On 8-28-2024, Plaintiff was "Strip Searched" by officer Walker after being told "they couldn't be around each other".
- 8-5-2024 - Plaintiff spoke with Lt. Talwater about Walker and several other issues.
- 8-10-2024 - John Walker came into A-pod and slammed inmate Joshua D. Gann who was already on his knees, facing the wall with his hands up. Mr. Gann was having a mental episode.
- Rumor caused Plaintiff to fear for his safety & retaliatory consequences.
- A prison guard who labels an inmate a "Snitch" violates the duty to protect an inmate from retaliation or attack, regardless of whether the inmate is subsequently attacked, because "an inmate who is considered a Snitch is in danger of being assaulted or killed by other inmates." Reeves v. King 774 F.3d 430, 433 (8th Cir. 2014)
- It was brought to Plaintiff attention by CPL Mason that officer Walker told inmates in E-pod that Plaintiff was "A Snitch" on 8-1-2024 & 8-2-2024 during med call and on his midlife, A-pod walk through. CPL Mason informed Plaintiff what Walker had said and Mason also told Plaintiff that he could no longer go back to E-pod and that Walker could no

FACTS SHEET CONTINUED:

P.#3

- JAILER WORK A-POD OR BE AROUND PLAINTIFF BECAUSE OF THIS. THIS CONVERSATION TOOK PLACE IN MEDICAL AT P.M. MED CALL AND WAS WITNESSED BY NURSE GRANETTA.
 - PLAINTIFF STILL HAS TO EAT MEALS THAT ARE PREPARED BY FORMER E-POD INMATES.
 - SEEN THEM ARE PROTECTING OFFICER WALKER WHOM STARTED THE RUMOR MORE THAN THE PLAINTIFF WHOM IS THE VICTIM OF IT.
 - PLAINTIFF WAS CONFRONTED BY AN E-POD INMATE AT COURT ON 8-5-2024 AND TOLD HIM THAT "IT WOULDN'T BE GOOD IF HE CAME BACK". - WALKER BROUGHT THESE INMATES IN THE COURT ROOM.
 - PLAINTIFF HIMSELF HAS HEARD WALKER TALK ABOUT INMATES PERSONAL HEALTH INFORMATION AND HEALTH CONDITIONS & MAKE FUN OF THEM FOR HAVING H.I.V. & HERPES.
 - PLAINTIFF HAS ALSO WITNESSED WALKER FALSELY LABEL INMATES HE DOESN'T LIKE OR GET ALONG WITH, "SLITCHES" OR "CHO-MOES".
 - ON 8-4-2024, PLAINTIFF REQUESTED HIS GRIEVANCE ON OFFICER WALKER TO BE "ESCALATED" TO THE SHERIFF. ILL-4-140 STANDARDS PRESCRIBED BY THE ILL. CORP. INST. (a)(5) - JAIL OFFICIALS HAVE A DUTY TO "ENSURE THE WELFARE OF ALL PERSONS COMMITTED TO THE INSTITUTION."
 - OFFICER WALKER STARTED THE RUMOR FOR THE EXPRESS PURPOSE OF IDENTIFYING PLAINTIFF AS A SLITCH KNOWING IT WOULD PUT HIM AT RISK OF BEING ASSAULTED BY OTHER INMATES.
- THIS IS SUFFICIENT TO ESTABLISH THE SUBJECTIVE ELEMENT AND 8TH ANN. VIOLENCE ILH SEE MORRIS 2021 WL 2119497 AT *4

Facts continued

p#4

• IN THE EXCESSIVE FORCE CONTEXT STANDARDS ALWAYS ARE VIOLATED WHEN PRISON OFFICIALS MALICIOUSLY AND SADISTICALLY USE FORCE TO CAUSE HARM, SEE WHITLEY, 475 U.S. AT 327, 106 S.Ct. AT 1088, WHETHER OR NOT SIGNIFICANT INJURY IS EVIDENT. MOREOVER, ALTHOUGH THE AMENDMENT DOES NOT REACH DE MINIMIS USES OF PHYSICAL FORCE, PROVIDED THAT SUCH USE IS NOT OF A SORT REPUGNANT TO THE CONSCIENCE OF MANKIND, *ib id*, THE BLOWS DIRECTED AT THE PLAINTIFF ARE NOT DE MINIMIS, AND THE EXTENT OF HIM HAVING TO FEAR FOR HIS LIFE, SAFETY, HEALTH AND WELL BEING EXPRESSLY THROUGH THE (HANDS) ACTIONS OF OFFICER WALKER, AN OFFICIAL THAT HAS A DUTY TO PROTECT HIM FROM SUCH, IS A CLEAR VIOLATION OF THE CONSTITUTION.

COMBINED THAT WITH: NO MENTAL HEALTH CARE, FIRE ALARMS & SIRENS IN THE A.M. HOURS, THREATS FROM OTHER OFFICIALS, REPERCUSSION'S FOR EXERCISING 1ST AMM RIGHT TO FILE A GRIEVANCE, ENDURING BEING MOVED AND RE-HOUSED FOR SUCH, LATE MEDICATION TIMES, IMPROPER MEDICATION ADMINISTERING UPON RECEIVING A DOSE, "FLOATING SUBOTONE" MIXING IT WITH WATER AFTER CRUSHING IT, WHICH IS COMPLETELY THE WRONG WAY TO TAKE A "SUBLINGUAL" MEDICATION. ALL OF THIS NON-SENSE COMBINED WITH ALL OF THE OTHER FOREMENTIONED ISSUES IN THE COMPLAINT ~~undoubtedly~~ UNDOUBTEDLY MAKE A STRONG SHOWING OF NUMEROUS CONSTITUTIONAL VIOLATIONS AND MISCONDUCT

Facts Continued

P#5

in which they should all be held accountable.

Officials ignoring the concepts of dignity, civilized standards, humanity, and decency that animate the 8th AMM. See ESTELLE, Supra 429 U.S. at 102, 97 S.Ct. at 290 p.10-11; EVINCE Such Wantonness with respect to the unjustified infliction of harm as is tantamount to a knowing willingness that it occur; WHITLEY, 475 U.S., at 311, 106 S.Ct. at 1085.

- Violence is a foreseeable result of the type and topic of Walker's humor when considering the environment.
- Officer Walker's action's/humor placed Plaintiff in serious jeopardy of assault by other inmates.
- The facts support Rule 433(B)(3) because Walker was in fact the perpetrator of the humor. Tort law principals may appropriately be applied in 1983 cases see Memphis Community School District v. Stachura, 477 U.S. 299, 305-07, 106 S.Ct. 2537, 2541-43, 91 L.Ed.2d 249 (1986) see also Carey, 435 U.S. at 260, 98 S.Ct. at 1050-51.
- This rule also applies to reckless and intentional acts. See Restatement (Second) of Torts 501 and 870, Comment 1 applies only in cases of alternative liability 433 B of the Restatement (Second) of Torts (1965 and 1979)